

BARRY E. HINKLE, Bar No. 071223
NICOLE M. PHILLIPS, Bar No. 203786
JOYE BLANSCETT, Bar No. 191242
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091
Telephone 510.337.1001
Fax 510.337.1023

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS and JOHN BONILLA, in their) No. C 05 4986 TEH
respective capacities as Trustees of the)
OPERATING ENGINEERS HEALTH AND)
WELFARE TRUST FUND FOR NORTHERN)
CALIFORNIA; TRUSTEES OF THE PENSION) STIPULATION FOR DISMISSAL WITH
TRUST FUND FOR OPERATING ENGINEERS;) PREJUDICE OF WESTCON
TRUSTEES OF THE PENSIONED OPERATING) MICROTUNNELING, INC., A UTAH
ENGINEERS HEALTH AND WELFARE FUND;) CORPORATION AND ~~[PROPOSED]~~
TRUSTEES OF THE OPERATING ENGINEERS) ORDER THEREON
AND PARTICIPATING EMPLOYERS PRE-)
APPRENTICESHIP, APPRENTICE AND)
JOURNEYMEN AFFIRMATIVE ACTION)
TRAINING FUND; TRUSTEES OF THE)
OPERATING ENGINEERS VACATION AND)
HOLIDAY PLAN,)
)
Plaintiffs,)
)
)
v.)
)
)
WESTCON MICROTUNNELING, INC., A Utah)
Corporation; WESTCON MICROTUNNELING,)
INC. a Division of MODERN CONTINENTAL)
CONSTRUCTION CO., INC.; MODERN)
CONTINENTAL CONSTRUCTION CO., INC.;)
A Massachusetts Corporation;)
)
)
Defendants.)

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Pursuant to FRCP 41(a)(2) Plaintiffs and Defendant Westcon Microtunneling, Inc., a Utah Corporation, by and through their attorneys of record hereby request that Defendant Westcon Microtunneling, Inc., a Utah Corporation be dismissed with prejudice from this action.

Dated: February 9, 2006

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/
JOYE BLANSCETT
Attorneys for Plaintiffs

Dated: February 7, 2006

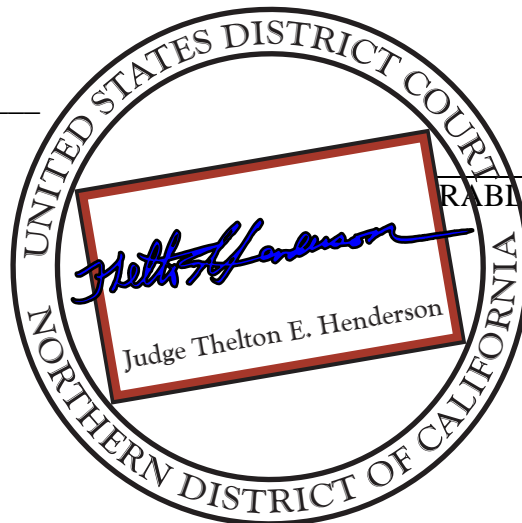
SIMPSON GARRITY & INNES
A Professional Corporation

By: /s/
PAUL V. SIMPSON
Attorneys for Defendant
Westcon Microtunneling, Inc., a Utah Corporation

ORDER

IT IS HEREBY ORDERED that Defendant Westcon Microtunneling, Inc., a Utah Corporation, be dismissed with prejudice from the above-captioned case.

Dated: 02/13/06



THLTON E. HENDERSON